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ANNUAL REPORT OF THE MONTANA JUDICIARY

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Dear Fellow Montanan:

I am pleased to provide this Annual Report of the Montana Judiciary for the year 2000. It contains basic information about all three levels of the judicial branch of government here in Montana, beginning with the Courts of Limited Jurisdiction--which handle the vast majority of legal proceedings in our state, through the District Courts--which decide felony criminal cases and all manner of civil cases, to the Montana Supreme Court--which has the most lasting impact on the law. Case loads are high in all levels of the Montana judiciary, but you can be assured your judges and their capable staffs are dedicated to providing all Montanans with the access to justice, and the administration of justice without delay, to which you are entitled by the Montana Constitution.

Montana judges at all levels also recognize that, as the late United States Supreme Court Justice Thurgood Marshall said, "The only real power we have as judges is the respect of the people." We intend to work to maintain your trust and respect by providing more information about our work, how we do it and why it matters through every appropriate means. Indeed, we hope to have a Montana Courts website on line by the end of this year so that more and better information about your courts is readily available to you. Here at the Supreme Court, we also hope to take more oral argument cases "on the road" to places other than just the largest cities, so that people across Montana can see how their highest court differs from trial courts and can, in fact, have an opportunity to meet and visit with all of us. As a first step, we will hear a case in Lewistown this September.

I hope you find this 2000 Annual Report of the Montana Judiciary useful in understanding the third branch of your state government.

Sincerely,



Karla M. Gray
Chief Justice



The Montana Supreme Court

Justice Patricia O. Cotter * Justice W. William Leaphart * Justice Jim Regnier
Chief Justice Karla M. Gray
Justice James C. Nelson * Justice Jim Rice * Justice Terry N. Trieweller

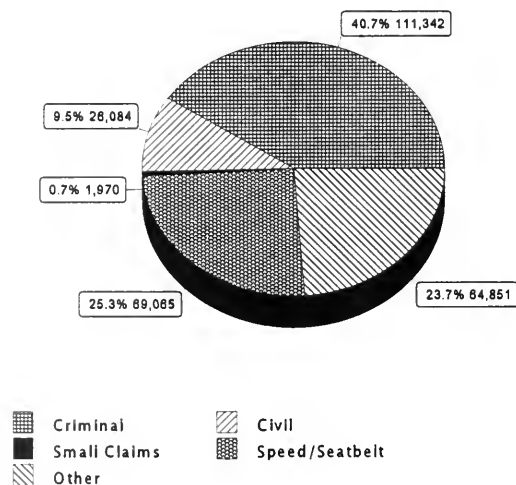
Courts of Limited Jurisdiction

Courts of Limited Jurisdiction are Justice Courts, City Courts and Municipal Courts and Montanans are currently served by 70 Justice Courts, 83 City Courts and 5 Municipal Courts. While the jurisdiction of these courts differs, between them they address cases involving local ordinances; residential and commercial landlord/tenant disputes, forcible entry and detainer; collection of certain taxes, fees and assessments; misdemeanor criminal charges; and many other matters. In addition, small claims courts for seeking money or property valued at no more than \$3,000 exist across Montana as divisions of the Justice Courts

Judges of the Justice and Municipal Courts must be elected; City Court judges may be elected or appointed. All judges of these Courts of Limited Jurisdiction serve four-year terms. Justice and City Court Judges are not required to be attorneys; Municipal Court Judges must be licensed attorneys. All judges of Courts of Limited Jurisdiction are required to attend two Supreme Court-supervised training courses each year.

Courts of Limited Jurisdiction Caseload Totals

Total Cases Filed - 273,312



REPORTED 2000 CASELOAD STATISTICS BY COUNTY					
COUNTY	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/SEATBELT
BEAVERHEAD	3,687	199	208	12	1,339
BIG HORN	2,802	1,249	66	25	212
BLAINE	1,786	302	39	15	776
BROADWATER	1,950	303	86	9	1,157
CARBON	3,430	165	214	24	1,530
CARTER	162	4	8	4	118
CASCADE	30,830	26,701	2,924	181	1,685
CHOUTEAU	1,653	119	42	18	943
CUSTER	4,925	3,260	254	158	2,580
DANIELS	321	5	8	26	168
DAWSON	3,327	140	239	26	1,884
DEER LODGE	3,358	481	278	123	1,135
FALLON	469	33	47	34	191
FERGUS	2,556	28	263	41	766
FLATHEAD	22,200	14,080	2,996	1	2,762
GALLATIN	19,594	3,373	1,635	3	5,185
GARFIELD	537	2	12	2	395
GLACIER	2,468	148	113	19	894
GOLDEN VALLEY	603	584	12	6	321
GRANITE	1,735	32	78	4	917
HILL	6,329	195	423	2	1,680
JEFFERSON	3,573	296	123	19	1,901
JUDITH BASIN	1,636	42	33	6	965
LAKE	5,408	480	494	0	1,441
LEWIS & CLARK	14,677	10,117	1,641	9	1,757
LIBERTY	102	17	7	5	6
LINCOLN	4,218	1,867	353	123	686
MADISON	1,197	148	98	11	440
MCCONE	595	332	12	3	364
MEAGHER	399	4	14	3	145
MINERAL	4,219	219	101	28	2,185
MISSOULA	31,616	5,978	2,568	149	6,866
MUSSELSHELL	1,665	13	104	9	761
PARK	4,164	399	398	0	1,601
PETROLEUM	240	4	1	0	168
PHILLIPS	828	38	59	0	416
PONDERA	1,874	86	105	16	1,061
POWDER RIVER	963	16	10	7	594
POWELL	2,692	2,496	227	78	886
PRAIRIE	685	4	12	3	487
RAVALLI	8,247	5,272	1,205	22	2,998
RICHLAND	2,096	47	162	33	857
ROOSEVELT	1,811	109	80	10	983
ROSEBUD	2,904	75	89	15	1,463
SANDERS	3,080	2,350	232	0	579
SHERIDAN	609	92	46	46	302
SILVER BOW	7,502	884	1,320	148	1,780
STILLWATER	2,707	50	216	23	1,318
SWEET GRASS	1,993	20	64	7	1,248
TETON	1,071	104	97	28	540
TOOLE	2,442	72	84	22	831
TREASURE	1,160	0	6	6	898
VALLEY	2,020	128	113	32	978
WHEATLAND	841	22	25	17	540
WIBAUX	640	3	18	6	268
YELLOWSTONE	38,716	28,155	6,022	353	4,114
TOTAL	273,312	111,342	26,084	1,970	69,065

District Courts

Montanans are served by 56 District Courts. These courts are organized into 22 judicial districts and are served by 40 District Judges. The 2001 Legislature authorized 2 additional judges, 1 for the Eighth Judicial District, Cascade County, and 1 for the Twenty-First Judicial District, Ravalli County. Those judges will be elected in 2002 and take office in January of 2003.

District Courts are courts of original and appellate jurisdiction. Original jurisdiction incorporates all felony cases, all probate cases, most civil cases at law and in equity, certain special actions and proceedings, all civil actions that might result in a finding against the state for the payment of money, naturalization proceedings, various writs and some narrowly-defined ballot issues. District Court appellate jurisdiction exists over cases arising initially in the state's Courts of Limited Jurisdiction only as prescribed by law and the Montana Constitution.



DISTRICT COURT INFORMATION					
JUDICIAL DISTRICT	DISTRICT JUDGES	DISTRICT COURT CLERKS	COUNTIES IN DISTRICT	AREA IN SQ. MILES	*POP.
1	Thomas C. Honzel Dorothy Mc Carter Jeffrey M. Sherlock	Judy Gillespie Nancy Sweeney	Broadwater Lewis & Clark	4,669	60,101
2	Kurt Krueger John W. Whelan	Lori A. Maloney	Silver Bow	715	34,606
3	Ted L. Mizner	Susan McNeil Beverly L. Kulaski Sharon Applegate	Deer Lodge Granite Powell	4,888	19,427
4	Douglas G. Harkin John S. Henson John W. Larson Edward P. McLean	Cheryle Demmon Kathleen "Kade" Breuer	Mineral Missoula	3,834	99,686
5	Loren Tucker	Sheila Brunkhorst Marilyn J. Craft Bundy K. Bailey	Beaverhead Jefferson Madison	10,731	26,102
6	William Neis Swandal	June Little Deanna Novotny	Park Sweet Grass	4,466	19,303
7	Richard A. Simonton Richard G. Phillips	Ardelle Adams Trudy Kirkegaard Lisa Kimmert Arlene Riggs Michael W. Schneider	Dawson McCone Prairie Richland Wibaux	9,676	22,970
8	Julie Macek Thomas M. McKittrick Kenneth R. Neill	Nancy J. Morton	Cascade	2,661	80,357
9	Marc G. Blyске	Diane D. Anderson Anita Vandolah Emile Kimmert Sandra Peers	Glacier Pondera Teton Toole	8,853	31,383
10	E. Wayne Phillips	Phyllis D. Smith Julie Anderson Mary Brindley	Fergus Judith Basin Petroleum	7,777	14,715
11	Katherine R. Curtis Ted O. Lympp Stewart Stadler	Peg L. Allison	Flathead	5,137	74,471
12	John Warner	Larry R. Stollfuss Dena Tippets Anne Seidlitz-Welton	Chouteau Hill Liberty	8,293	24,801
13	Diane G. Barz G. Todd Baugh Russell C. Fagg Gregory R. Todd Susan P. Watters	Jean A. Thompson	Yellowstone	2,642	129,352
14	Randal I. Spaulding	Kathleen Ott Joyce Wofford Connie Mattfield Janet Hill	Golden Valley Meagher Musselshell Wheatland	6,837	9,730
15	David Cybulski	Patricia McDonnell Patricia Stennes Cheryl A. Olson	Daniels Roosevelt Sheridan	5,501	16,742
16	Joe L. Negel Gary L. Day	Carole Carey Bernice Matthews Jerrrie Newell Connie Nielsen Aletta Shannon Marilyn Hollister Ruth Baker	Carter Custer Fallon Garfield Powder River Rosebud Treasure	22,480	29,274
17	John C. McKeon	Kay O'Brien Johnson Frances M. Webb Patricia A. Mill	Blaine Phillips Valley	14,499	19,285
18	Michael Salvagni Mark Guenther	Lorraine Van Ausdol	Gallatin	2,517	37,831
19	Michael Prezeau	Nadine Pival	Lincoln	3,714	18,837
20	C. B. McNeil Deborah Kim Christophe	Katherine E. Pedersen Dianne Rummel	Lake Sanders	4,268	36,734
21	Jeffrey H. Langton	Debbie Harmon	Ravalli	2,382	36,070
22	Blair Jones	Janice Heath Gayle M. Strausburg Jean Bare	Big Horn Carbon Stillwater	8,883	30,418

*Estimated 2000 Figures

**2000 DISTRICT COURT STATISTICS - BY DISTRICT
CASE FILINGS**

Judicial District	Adoption	Criminal	Civil	Mentally Ill/Dev. Disabled	Paternity	Guard/Conserv.	Juvenile	Dep./Neg. Children	Probate	Domestic Relations	2000 Totals	1999 Totals	Difference
1	69	499	1,075	132	1	69	244	62	173	1,068	3,392	3,936	-544
2	34	266	315	94	6	39	63	175	114	286	1,392	1,239	153
3	13	145	221	176	2	38	54	20	21	131	871	771	100
4	59	568	1,110	63	2	177	133	40	224	743	3,119	3,346	-227
5	21	173	211	8	0	9	28	18	67	138	673	680	-7
6	16	151	197	12	0	22	19	14	93	154	683	724	-41
7	17	98	130	24	3	23	19	9	129	153	617	746	-129
8	63	579	1,133	20	17	86	202	94	259	586	3,039	3,348	-309
9	13	188	202	2	0	13	40	17	129	158	762	852	-90
10	14	93	129	6	1	20	14	22	67	89	455	549	-94
11	55	499	780	61	15	64	129	33	191	697	2,544	2,729	-185
12	19	197	180	15	5	13	71	35	133	171	839	896	-57
13	124	1,353	1,357	178	26	106	419	217	301	1,349	5,430	6,092	-662
14	5	54	120	6	0	11	25	15	46	63	345	356	-11
15	14	23	130	2	0	11	25	4	94	40	343	395	-52
16	10	180	203	10	11	25	37	41	126	172	815	949	-134
17	9	66	145	3	0	18	28	2	93	81	450	503	-53
18	40	377	667	39	1	36	55	24	132	572	1,943	1,865	78
19	16	148	185	8	0	19	65	33	52	166	692	821	-129
20	19	221	329	2	0	30	51	31	107	323	1,163	1,321	-158
21	22	268	436	14	1	42	93	30	82	241	1,229	1,119	110
22	13	198	210	12	1	16	30	32	104	133	749	849	-100
TOTAL	665	6,394	9,465	902	94	887	1,844	993	2,787	7,514	31,545	34,086	-2,541

**AVERAGE NUMBER OF CASE FILINGS PER JUDGE
IN EACH JUDICIAL DISTRICT
2000**

Judicial District	No. of Judges per District	2000 Average No. of Cases per Judge	99 Average No. of Cases per Judge	2000 Statewide Ranking No. of Cases Per Judge
1	3	1131	1312	2
2	2	696	620	12
3	1	871	771	6
4	4	780	837	9
5	1	673	680	15
6	1	683	724	14
7	2	309	373	22
8	3	1013	1116	4
9	1	762	852	10
10	1	455	549	17
11	3	848	1365	7
12	1	839	896	8
13	5	1086	1388	3
14	1	345	356	20
15	1	343	395	21
16	2	408	475	19
17	1	450	503	18
18	2	972	933	5
19	1	692	821	13
20	2	582	1321	16
21	1	1229	1119	1
22	1	749	849	11

**2000 DISTRICT COURT STATISTICS - BY DISTRICT
CASE DISPOSITIONS**

Judicial District	Adoption	Criminal	Civil	Mentally Ill/Dev. Disabled	Paternity	Guard/Conserv.	Juvenile	Dep./Neg. Children	Probate	Domestic Relations	2000 Totals	1999 Totals	Difference
1	61	473	1,014	134	2	23	242	58	134	983	3,126	3,646	-520
2	29	234	272	86	1	36	54	150	162	251	1,277	1,167	110
3	8	116	162	154	1	26	35	9	82	107	700	853	-153
4	47	362	1,006	48	4	102	129	44	186	781	2,692	4,169	-1,477
5	24	151	210	13	0	18	32	22	65	126	661	592	69
6	13	127	167	13	0	7	13	7	68	141	558	649	-91
7	18	98	131	33	3	13	30	11	87	157	583	773	-192
8	49	630	1,101	14	21	19	223	86	249	544	2,936	4,478	-1,542
9	9	153	165	1	2	9	35	16	104	140	634	821	-187
10	10	113	147	6	2	30	13	26	70	104	521	540	-19
11	56	381	1,299	56	8	52	131	21	183	651	2,888	2,423	465
12	13	173	186	12	5	8	61	28	116	163	720	945	-125
13	115	1,227	1,346	163	32	53	383	307	301	1,374	5,315	6,144	-829
14	2	54	95	0	0	6	16	13	34	74	299	278	21
15	11	28	79	1	1	1	18	6	77	37	259	358	-99
16	13	224	200	10	11	28	40	49	247	169	991	1,041	-50
17	8	43	124	5	0	12	18	7	123	89	436	465	-29
18	42	360	484	52	0	5	53	16	136	306	1,634	1,618	16
19	19	139	168	8	0	8	61	33	47	169	652	754	-102
20	19	224	319	0	0	23	43	30	111	309	1,130	1,134	-4
21	20	410	453	14	3	105	181	29	81	304	1,602	975	627
22	13	198	181	10	1	9	20	36	87	106	661	804	-143
TOTAL	668	5,973	9,321	832	87	682	1,831	1,054	2,750	7,267	30,325	34,629	-4,304

**AVERAGE NUMBER OF CASE DISPOSITIONS PER JUDGE
IN EACH JUDICIAL DISTRICT
2000**

Judicial District	No. of Judges per District	2000 Average No. of Cases per Judge	99 Average No. of Cases per Judge	2000 Statewide Ranking No. of Cases Per Judge
1	3	1042	1215	3
2	2	639	584	13
3	1	700	853	8
4	4	673	1042	9
5	1	661	592	10
6	1	558	649	16
7	2	292	388	21
8	3	979	1493	4
9	1	634	821	14
10	1	521	540	17
11	3	963	1212	5
12	1	770	945	7
13	5	1063	1390	2
14	1	299	278	20
15	1	259	358	22
16	2	496	521	18
17	1	436	465	19
18	2	817	809	6
19	1	652	754	12
20	2	565	1134	15
21	1	1602	975	1
22	1	661	804	11

District Court Criminal Reimbursement Program

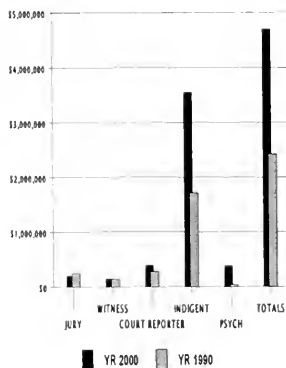
Since July 1, 1985, the Supreme Court's OCA has administered the District Court Criminal Reimbursement Program (DCCRP). Funds are derived from a percentage of motor vehicle taxes for the following District Court expenses related to criminal felony cases: jury fees, witness fees, a percent of court reporter salaries, transcripts, indigent defense, and psychiatric examinations. In 1987, DCCRP was amended to provide that any excess funds be distributed in the form of grants to the counties. The Legislature also revised the DCCRP in 1999, providing for payment of District Court expenses related to Youths In Need Care (YINC).

In 2000, the DCCRP reimbursed both criminal case-related and YINC expenses at 100% and distributed a total of nearly \$812,000 in grants to 32 eligible counties.

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM - 2000 TOTAL REIMBURSEMENT BY CATEGORY							
County	Jury Services	Witness Services	Court Reporter	Indigent Defense	Psychiatric Examinations	Grant Received	Totals
ANACONDA - DEER LODGE	\$ 1,602	\$ 315	\$ 2,156	\$ 40,167	\$ 11,465	\$ -	\$ 55,705
BEAVERHEAD	0	20	3,059	32,937	0	0	36,016
BIG HORN	8,763	515	4,512	62,806	3,450	0	80,046
BLAINE	1,710	0	2,454	24,926	0	0	29,090
BRADAWATER	411	0	2,593	16,009	0	5,686	24,689
BUTTE-SILVER BOW	161	0	30,257	133,941	14,433	0	178,792
CARBON	3,162	83	3,245	14,366	600	0	21,476
CARTER	0	0	542	476	0	865	1,883
CASCADE	32,835	27,013	33,016	393,876	86,596	78,097	651,433
CHOUTEAU	8	2,036	2,521	7,350	800	0	12,715
CLUSTER	5,768	10,633	11,987	117,550	7,112	27,628	180,678
DANIELS	0	0	532	392	0	2,798	3,722
DAWSON	2,232	3,942	8,302	27,934	2,000	17,077	61,487
FALLON	601	0	1,687	13,771	0	0	16,259
FERGUS	10,296	7,633	7,733	89,270	2,600	11,962	129,496
FLATHEAD	10,795	5,865	22,689	272,180	10,013	26,131	349,673
GALLATIN	12,886	17,099	18,997	176,055	21,896	28,871	275,606
GARFIELD	12	596	560	2,621	0	186	3,977
GLACIER	3,819	186	5,543	42,115	1,320	7,397	65,382
GOLDEN VALLEY	0	0	784	4,844	1,800	0	7,428
GRANITE	0	0	424	3,373	0	2,991	6,788
HILL	8,350	7,271	15,646	252,543	10,919	23,419	318,148
JEFFERSON	588	222	4,052	28,945	0	11,507	45,314
JUDITH BASIN	1,782	55	1,249	25,126	0	0	28,212
LAKE	5,224	4,205	8,845	115,456	62,043	0	195,773
LEWIS & CLARK	10,974	3,470	22,499	131,654	13,073	123,556	305,226
LIBERTY	0	0	851	243	0	0	1,094
LINCOLN	6,912	2,952	5,250	75,204	15,661	64,988	171,167
MADISON	126	1,217	2,415	10,902	2,865	141	17,666
MACCONE	0	0	1,199	3,325	0	3,802	8,326
MEACHER	423	0	1,519	41,683	0	2,878	46,503
MINERAL	300	601	1,504	17,264	3,850	5,969	29,488
MISSOULA	9,469	2,550	42,534	344,036	27,876	189,406	615,871
MUSSELSHELL	44	0	5,684	83,460	7,780	9,039	106,007
PARK	9,945	4,788	8,817	91,663	6,440	3,891	125,544
PETROLEUM	0	0	196	80	0	3,407	3,683
PHILLIPS	663	97	2,903	18,220	3,273	0	25,156
PONDERA	1,209	175	3,210	18,339	1,908	0	24,841
POWDER RIVER	493	10	734	2,693	0	11,318	15,248
POWELL	0	1,265	1,271	10,636	3,875	6,083	25,332
PRAIRIE	0	0	839	0	0	0	839
RAVALLI	17,696	5,693	5,336	24,846	12,357	5,073	71,001
RICHLAND	1,124	0	6,243	13,905	3,793	9,541	38,606
ROOSEVELT	0	0	1,683	5,222	0	0	6,905
ROSEBUD	1,848	227	4,991	36,575	6,770	0	50,411
SANDERS	13,718	3,099	3,485	48,694	4,257	0	73,253
SHERIDAN	0	69	853	1,420	0	0	2,342
STILLWATER	1,267	263	2,535	20,845	0	0	24,930
SWEET GRASS	0	0	1,245	5,576	0	641	7,462
TETON	3,475	6,842	4,291	15,225	0	0	31,833
TOOLE	0	149	4,370	20,064	0	27,204	51,787
TREASURE	0	0	631	3,115	0	2,891	6,637
VALLEY	1,510	4,444	3,421	36,443	2,000	0	47,818
WHEATLAND	37	963	2,379	25,377	900	0	29,656
WIBAUX	0	0	1,185	2,636	0	0	3,821
YELLOWSTONE	14,483	20,376	64,332	539,720	33,920	93,307	766,138
TOTALS	\$ 206,765	\$ 146,941	\$ 403,780	\$ 3,553,296	\$ 387,845	\$ 811,752	\$ 5,512,379

District Court Reimbursement Program

2000



Special Jurisdiction Courts

Workers Compensation Court

The Legislature created the Workers' Compensation Court (WCC) in 1975, to provide an efficient and effective forum for the resolution of disputes arising under the Workers' Compensation Act and the Occupational Disease Act. Subsequent Legislatures have increased the WCC's exclusive jurisdiction to include matters such as disputes involving independent contractor exemptions and enforcement of the Department of Labor's investigatory powers. The WCC conducts trials statewide and decides appeals from final orders of the Department of Labor. Decisions of the WCC are appealable directly to the Supreme Court.

The WCC Judge serves a six-year term and is appointed by the Governor from a list of applicants submitted by the Judicial Nomination Commission. The same qualifications for office apply to the WCC Judge as to District Court Judges. The WCC is attached to the Department of Labor for administrative purposes only.

In 2000, the WCC received 261 petitions/appeals. It conducted 64 trials and held 11 settlement conferences, with 10 of those matters being resolved. The WCC issued a total of 117 decisions, including 66 findings and conclusions, 8 orders on appeal, and 36 orders related to substantive issues. The remainder were attorney fees, costs, and other issues which were disposed of by bench ruling or conference with counsel.

Water Court

Montana's Water Court was created by the 1979 Legislature to expedite and facilitate the statewide adjudication of over 219,000 existing state law-based water rights, generally rights with a pre-July 1973 priority date, and federal and Indian reserved water rights. The Water Court has exclusive jurisdiction over the adjudication of existing water rights.

The Chief Justice of the Supreme Court appoints the Chief Water Judge from a list of nominees submitted by the Judicial Nomination Commission. A water judge is also designated for each of the state's four major water divisions by a majority vote of a committee composed of the District Court Judge from each single-judge judicial district and the chief District Court Judge from each multiple-judge judicial district, wholly or partly within each division. Water masters are appointed by the Chief Water Judge to assist the water judges.

The adjudication of federal and Indian reserved water rights is suspended until July 1, 2005, while state, federal and tribal authorities negotiate reserved water right compacts. Nine compacts have been approved by the Legislature. Four of these compacts have been submitted to the Water Court for approval. One has been approved and three have pending objections.

Montana Supreme Court

The Montana Supreme Court is comprised of a Chief Justice and six Justices. All are elected on a statewide, nonpartisan basis for eight-year terms. Under the Montana Constitution, the Supreme Court has

jurisdiction over appeals from all of the District Courts in the state; by statute, appeals from the Workers' Compensation Court and the Water Court also go directly to the Supreme Court. On legal questions of purely Montana law, the Supreme Court is the final arbiter.

The Montana Constitution also gives the Supreme Court original jurisdiction to hear and determine writs, such as for habeas corpus, and applications for supervisory control over District Court actions not yet final or ready for a regular appeal. Rules governing appellate procedure and practice and procedure for the state's other courts also are within the Supreme Court's authority.

Clerk of the Supreme Court

The Clerk of the Supreme Court is one of Montana's statewide elected officials in the judicial branch of government.

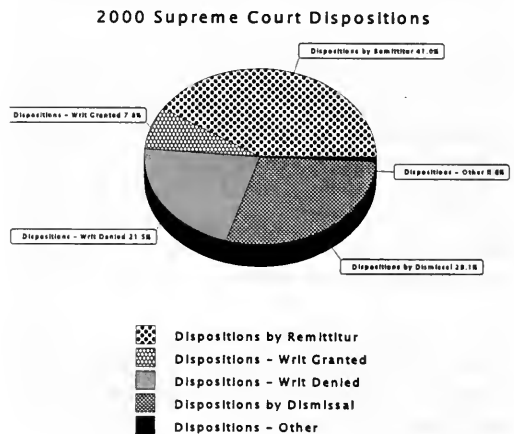


The current Clerk, Ed Smith of Helena, is the nineteenth person to hold the office.

Established in 1865, the office conducts the business of the Supreme Court, and serves

as the liaison between the public, attorneys and the Supreme Court. By statutory authority, the Clerk controls the docket and filings, manages the appellate process, and is the custodian of all legal records for the public and the Supreme Court. Additionally, the Clerk administers appellate mediation, maintains the official roll of Montana attorneys, and is responsible for licensing Montana's 3,700 attorneys.

Record filings continued to increase in 2000, resulting in a 38% gain in cases at the Supreme Court since 1994 (630 to 868).



2000 Supreme Court Caseload Statistics

Filings carried over from 1999	557
New Civil Filings	420
New Criminal Filings	448

Total New Filings: **868**

Dispositions by Remittitur in 2000	346
Dispositions by Dismissal in 2000	245
Dispositions - Writ Denied	181
Dispositions - Writ Granted	66
Dispositions - Other	5

Total Dispositions: **843**

Opinions by five-justice panel – after submission on briefs:	294
Opinions by all seven justices – after submission on briefs:	63
Opinions by all seven justices – after oral argument:	32
<u>Total Formal Opinions:</u>	<u>389</u>
Cases Pending as of December 31, 2000:	<u>577</u>

Office of the Court Administrator

Prior to 1975, court administration was handled by the Chief Justice. The Office of the Court Administrator (OCA) was recommended in a study of the judicial system by the Board of Crime Control in 1975 and authorized by the Legislature in 1977 (§3-1-701, MCA). The Supreme Court established the office thereafter to assist with administrative duties.

The Court Administrator is the administrative officer of the Supreme Court. Under the direction of the Supreme Court, the Court Administrator is required by statute to:

1. prepare and present the judicial budget to the Legislature;
2. collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the Legislature on request;
3. recommend improvements in the judiciary to the Supreme Court;
4. administer state funding for District Courts; and
5. perform other duties assigned by the Supreme Court.

Other duties currently performed by the OCA include supporting the boards and commissions that are attached to the Supreme Court, arranging certification and education for judges, participating in Clerks of District Court conferences and implementing statewide judicial automation. The OCA provides the Supreme Court with an administrative arm to oversee essential operations and daily tasks for the Supreme Court and the people of Montana. The OCA's workload will increase substantially with the 2001 Legislature's passage of state assumption of District Court funding.

Judicial Automation:

Montana District Court Judicial
Case Management System and
Courts of Limited Jurisdiction
Case Management System

The Automation Program in the OCA is responsible for court information technology throughout the state. In 2000, the OCA's automation team maintained the case management systems in both District Courts and Courts of Limited Jurisdiction. Additionally, the team installed hardware upgrades in Courts of Limited Jurisdiction to accommodate the new case management program, FullCourt, with deployment planned for 2001.

Currently, 36 of the 56 District Courts are networked and the automation team continues to assist other courts with networking solutions. The jury module of the District Court Judicial Case Management System (JCMS) has been completed and installed in 15 courts for testing. In addition to the jury module for JCMS, the random judge selection component also was added. Currently, Yellowstone County and Flathead County are testing the imaging segment of

JCMS with roll out expected in 2001. Development of the graphical case management system for the District Courts continues, with expected deployment in the fall of 2001.

Court Assessment Program

The Court Assessment Program was established in June of 1995. It is funded through a federal grant with a state match to improve the court system in child abuse and neglect cases. The purpose of the program is to assess the court system, make recommendations based on that assessment, and implement those recommendations to improve the system for children and families. Recommendations include improving representation for children, parents and the state; improving judicial oversight of child welfare cases by increasing judicial knowledge in child abuse and neglect law; and enabling courts to hold effective hearings and case reviews within limited time periods. These recommendations will continue to be implemented through changes in state statutes, the state Court Appointed Special Advocate program, judicial and attorney training, the mediation program, the child advocacy law class, the Yellowstone County Family Drug Court, a child advocacy web page, and a judicial teleconferencing system.

Citizen Review Board Program

In 1993, the Legislature established the Local Citizen Review Board (CRB) Pilot Program and attached it to the OCA. In the communities where it operates, the CRB independently reviews each child's placement in out-of-home care at least every six months. CRBs are comprised of volunteer citizens in the community.

Five CRB pilot sites were established between 1994 and 2000 and the first operational CRB was created by the Fourth Judicial District Court in Missoula County. Currently, there are 12 CRBs with 5 volunteer members on each board. The CRB members and alternates are recruited, trained, and continue to receive on-going education on child abuse and neglect issues. The members are dedicated and committed to the children in foster care. They are selected by the District Court Judges and receive no compensation for their work.

The 2001 Legislature removed the CRB's pilot status and the program is now permanent.

-Purpose of Citizen Review Boards-

The main purpose of CRBs is to achieve permanency in a timely manner for children in out-of-home care. This is accomplished by:

- Developing findings and recommendations to achieve timely permanency;
- Monitoring the child's health, safety and progress toward permanency;
- Monitoring reasonable efforts toward permanency and decision-making process and time frames as required by the federal Adoption and Safe Families Act (ASFA);
- Holding individuals, organizations and systems accountable for achieving positive outcomes for children in foster care;
- Promoting community participation in decision-making, thereby enhancing public confidence in Montana's child protection system;
- Influencing foster care decision makers to improve policy, practice and service to more effectively address the needs of children in care;

▫ Building a citizen advocacy for abused and neglected children and the systems that serve them.

–Citizen Review Boards Statistics–
In fiscal year 2000, there were 390 open cases being reviewed under the auspices of the CRB. 173 cases closed during that fiscal year. The CRB conducted 820 reviews, representing 453 individual children.

State Law Library

The State Law Library is statutorily responsible for maintaining an adequate legal collection and services to fulfill the needs of the Supreme Court, the Legislature, state officers and employees, attorneys and the general public. The Justices of the Supreme Court serve as the Library's Board of Trustees.

The Law Library's digital outreach continues to expand as more online material is added and Law Library staff teach researchers how to use CD-ROM's, electronic databases, and the Internet. More and more people send their reference questions to the Law Library's web site at www.lawlibrary.state.mt.us, and they are assisted without the need for a single telephone call or photocopy of material from hard copy.

The Law Library now has 142,000 volumes in hard copy and the number of books reshelfed by staff increased by 28% in the past year to 22,078 volumes. The Law Library still has a significant number of walk-in users who depend on books and journals rather than electronic information.

Law Library reference requests increased by 21% in 2000 as a result of the increase in

non-lawyer clientele of the Law Library. Self-represented parties generally need much more assistance than do those who have formally studied the law. The Director of the Law Library has worked closely with the Clerks of District Court around the state to assure them in referring their customers to the Law Library for assistance. The Law Library's Pro Bono Legal Clinic won an award for excellence in service to the under-represented, and continues to be mentioned as a model of agencies cooperating to provide service to those in need of legal assistance.

Boards and Commissions of the Supreme Court and Statutory Commissions

In addition to its obligations in exercising original and appellate jurisdiction, the Supreme Court is responsible for a variety of other matters including rulemaking and overseeing the administration of justice in Montana. One of the Supreme Court's important constitutional obligations is to make rules for admission to the practice of law and the conduct of Montana lawyers. As explained below, the Supreme Court has established a Commission on Practice to assist in the process of disciplining lawyers who have violated rules of professional conduct applying to all lawyers who practice in Montana. In addition to the other Commissions and groups discussed below, the Supreme Court has created bar admission-related groups to check on an applicant's character and fitness and to write, give and score the Montana Bar examination, and Commissions on civil and appellate procedural rules, evidence, and civil and criminal jury instructions. In 2000, the Supreme Court established new Commissions on Self-Represented Litigants

and Gender Fairness and, at the request of the State Bar of Montana, an Equal Justice Task Force.

Commission on Unauthorized Practice

The Commission on Unauthorized Practice is comprised of four lawyers, four lay people and one who may be either. All are appointed by the Supreme Court for three-year terms. The Commission investigates complaints that a person is practicing law without a license. In addition to investigating, the Commission has been directed by the Supreme Court to make recommendations which will ameliorate the problems associated with the unauthorized practice of law without a license.

Sentence Review Division

The Sentence Review Division (Division) of the Supreme Court is comprised of three District Court Judges appointed by the Chief Justice of the Supreme Court for three-year terms.

Individuals sentenced to the Montana State Prison, the Montana Women's Prison or the Department of Corrections (DOC) for one year or more and actually taken into custody may request a review of the sentence they received in a District Court.

The Division meets four times a year in Deer Lodge at the Montana State Prison and twice a year in Billings at the Montana Women's Prison.

In 2000, the Division received a total of 112 Applications for Review of Sentence. Of the sentences reviewed, 33 were affirmed; 4 were decreased; 11 were increased; 6 were converted from prison to DOC commitments; and 3 were remanded back to

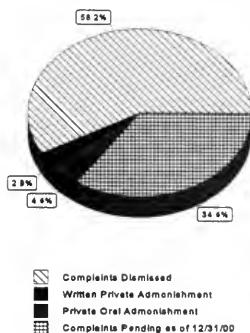
the District Court for clarification of the sentence. Of the remaining applications, 13 were continued; 40 were dismissed on request of the defendant; and 2 were held in abeyance pending the outcome of an appeal.

Commission on Practice

The Supreme Court created its Commission on Practice in 1965 to review complaints alleging unethical conduct by Montana attorneys. The Commission also is responsible for reporting on the merits of petitions for reinstatement to the practice of law.

The Commission currently is comprised of eight attorney members appointed by the Supreme Court, following an election by attorneys in specific areas of the state, and three lay members appointed by the Supreme Court. Members serve four-year terms.

Disposition of Complaints



2000 Caseload Statistics

Complaints Filed in 2000	262
Complaints Pending as of 12/31/99	<u>165</u>
Total	<u>427</u>

Disposition of Complaints:

Complaints Dismissed	237
Written Private Admonishment	12
Private Oral Admonishment	18
Public Censure	8
Suspension of License	9
Disbarment	2
Reinstatement Hearings	1
Complaints Pending as of 12/31/00	<u>140</u>
Total	<u>427</u>

Judicial Standards Commission

The 1972 Montana Constitution required the Legislature to create a Judicial Standards Commission to investigate complaints against judges and, where appropriate, recommend discipline to the Supreme Court. The Legislature did so in 1973.

The Commission is composed of two District Court Judges elected by the District Court Judges, one attorney appointed by the Supreme Court, and two lay members appointed by the Governor. Members serve four-year terms.

2000 Caseload Statistics

Complaints Filed in 2000	43
Complaints Pending as of 12/31/99	<u>13</u>
Total	<u>56</u>

Disposition of Complaints:

Dismissed	32
Admonition	2
Private Reprimand	1
Public Reprimand	1
Censure	0
Suspension	0
Removed from Bench	0
Permanent Removal	0
Complaints Pending as of 12/31/00	<u>18</u>
Total	<u>56</u>

Judicial Nomination Commission

The Judicial Nomination Commission provides the Governor a list of qualified candidates for appointment to fill vacancies on the Supreme Court, District Courts and the Workers' Compensation Court. The Commission also provides the Chief Justice a list of qualified candidates for appointment to fill the position of Chief Water Court Judge.

The Commission is comprised of seven members: four lay people appointed by the Governor, two lawyers appointed by the Supreme Court and one District Court Judge elected by the District Court Judges. Commission members serve four-year terms and are not eligible to apply for judicial office during their terms or for one year thereafter.



350 copies of this public document were published at an estimated cost of \$1.44 per copy, for a total cost of \$504.00, which includes \$504.00 for printing and \$0.00 for distribution.